

House of Representatives, March 30, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS AND PROCEDURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) For the purposes of this  
2 section, "employees of the Judicial Department"  
3 shall not include employees of the courts of  
4 probate or the Public Defender Services  
5 Commission, and "records" shall not include  
6 records maintained by the courts of probate or the  
7 Public Defender Services Commission.

8 (b) Notwithstanding any other provision of  
9 the general statutes, employees of the Judicial  
10 Department shall, in the performance of their  
11 duties, have the right of access to all records  
12 maintained by the Judicial Department.

13 Sec. 2. Section 13a-103 of the general  
14 statutes is repealed and the following is  
15 substituted in lieu thereof:

16 Whenever any town fails to keep any highway  
17 within such town in good and sufficient repair or  
18 whenever the selectmen of any town fail to remove  
19 or cause to be removed any encroachments upon any  
20 highway in such town or to make such alterations  
21 or improvements therein as may be required by  
22 common convenience or necessity, the superior  
23 court for the judicial district in which such

24 highway is located, upon the written complaint of  
25 six or more citizens of this state under oath,  
26 after due inquiry made by it, shall appoint a time  
27 and place when and where all persons interested  
28 may appear and be heard upon the propriety of such  
29 repairs, or of the removal of such encroachments,  
30 or of the making of such alterations and  
31 improvements. [, and shall give notice thereof] IF  
32 A TIME AND PLACE FOR HEARING IS SET BY THE COURT,  
33 THE CLERK SHALL DELIVER TO THE COMPLAINANTS OR  
34 THEIR ATTORNEYS THE DOCUMENTS SET FORTH IN THIS  
35 SECTION FOR SERVICE BY A PROPER OFFICER. NOTICE  
36 SHALL BE GIVEN to the first selectman of such town  
37 and to the person or persons maintaining such  
38 encroachments by causing a true and attested copy  
39 of such complaint, accompanied with a summons  
40 notifying such parties of such time and place, to  
41 be left with each of such parties, or at his usual  
42 place of abode, by some proper officer at least  
43 six days inclusive before the day appointed for  
44 the hearing; but, before issuing any summons on  
45 such complaint, the court shall require of the  
46 complainants a sufficient bond for costs to the  
47 adverse parties and may, any time thereafter,  
48 require further bond for such costs. If the court  
49 finds that such highway should be repaired or that  
50 such encroachments should be removed or that such  
51 alterations and improvements should be made, it  
52 shall order the selectmen of such town to cause  
53 such highway to be repaired and such encroachments  
54 to be removed and such alterations and  
55 improvements to be made, and shall prescribe the  
56 manner and extent of such repairs and of the  
57 removal of such encroachments and of the making of  
58 such alterations and improvements and the time  
59 within which the work shall be done, and may, for  
60 reasonable cause, extend such time. The court  
61 shall assess the benefits resulting from such  
62 repairs or removal of encroachments or such  
63 alterations and improvements against any of the  
64 parties to be benefited, including such town. Such  
65 benefits as to such parties other than such town  
66 may be collected in the same manner as town taxes  
67 are collected.

68 Sec. 3. Section 14-140 of the general  
69 statutes is repealed and the following is  
70 substituted in lieu thereof:

71 (a) Any person who has been arrested by an  
72 officer for a violation of any provision of any  
73 statute relating to motor vehicles may be  
74 released, upon his own recognizance, by such  
75 officer in his discretion, unless such violation  
76 is of a provision relating to driving while under  
77 the influence of intoxicating liquor or drugs or  
78 using a motor vehicle without permission of the  
79 owner or evading responsibility for personal  
80 injury or property damage or involves the death or  
81 serious injury of another, in which cases such  
82 person shall not be released on his own  
83 recognizance.

84 (b) If any person so arrested or summoned  
85 wilfully fails to appear for any scheduled court  
86 appearance at the time and place assigned, or if  
87 any person charged with an infraction involving  
88 the use of a motor vehicle, or with a motor  
89 vehicle violation specified in section 51-164n,  
90 fails to pay the fine and any additional fee  
91 imposed or send in his plea of not guilty by the  
92 answer date or wilfully fails to appear for any  
93 scheduled court appearance which may be required,  
94 a report of such failure shall be sent to the  
95 commissioner by the court having jurisdiction. The  
96 provisions of this section shall be extended to  
97 any nonresident owner or operator of a motor  
98 vehicle residing in any state, the proper  
99 authorities of which agree with the commissioner  
100 to revoke, until personal appearance to answer the  
101 charge against him, his motor vehicle registration  
102 certificate or operator's license, upon his  
103 failure to appear for any scheduled court  
104 appearance. ANY INFRACTIONS OR VIOLATIONS, FOR  
105 WHICH A REPORT OF FAILURE TO APPEAR HAS BEEN SENT  
106 TO THE COMMISSIONER UNDER THIS SUBSECTION, THAT  
107 HAVE NOT OTHERWISE BEEN DISPOSED OF SHALL BE  
108 DISMISSED BY OPERATION OF LAW SEVEN YEARS AFTER  
109 SUCH REPORT WAS SENT.

110 (c) The commissioner may enter into  
111 reciprocal agreements with the proper authorities  
112 of other states, which agreements may include  
113 provisions for the suspension or revocation of  
114 licenses and registrations of residents and  
115 nonresidents who fail to appear for trial at the  
116 time and place assigned.

117 (d) Any judgment under this section shall be  
118 opened upon the payment to the clerk of the

119 Superior Court of a fee of forty dollars. Such  
120 filing fee may be waived by the court.

121 (e) In addition, the provisions of subsection  
122 (b) of this section shall apply to sections  
123 29-322, 29-332, 29-339, 29-349 and 29-351.

124 Sec. 4. Subsection (h) of section 51-61 of  
125 the general statutes is repealed and the following  
126 is substituted in lieu thereof:

127 (h) All records of the proceedings taken on  
128 the trial of any action shall, within thirty days  
129 after the action has been submitted, be filed with  
130 the clerk OR THE CLERK'S DESIGNEE, except that for  
131 the purpose of transcribing such records the court  
132 reporter or monitor may at any time withdraw them  
133 for a reasonable time.

134 Sec. 5. Section 51-199 of the general  
135 statutes, as amended by section 2 of public act  
136 97-178, is repealed and the following is  
137 substituted in lieu thereof:

138 (a) The Supreme Court shall have final and  
139 conclusive jurisdiction of all matters brought  
140 before it according to law, and may carry into  
141 execution all its judgments and decrees and  
142 institute rules of practice and procedure as to  
143 matters before it.

144 (b) The following matters shall be taken  
145 directly to the Supreme Court: (1) Any matter  
146 brought pursuant to the original jurisdiction of  
147 the Supreme Court under section 2 of article  
148 sixteen of the amendments to the Constitution; (2)  
149 an appeal in any matter where the Superior Court  
150 declares invalid a state statute or a provision of  
151 the state Constitution; (3) an appeal in any  
152 criminal action involving a conviction for a  
153 capital felony, CLASS A FELONY, OR OTHER FELONY,  
154 INCLUDING ANY PERSISTENT OFFENDER STATUS, FOR  
155 WHICH THE MAXIMUM SENTENCE WHICH MAY BE IMPOSED  
156 EXCEEDS TWENTY YEARS; (4) review of a sentence of  
157 death pursuant to section 53a-46b; (5) any  
158 election or primary dispute brought to the Supreme  
159 Court pursuant to section 9-323 or section 9-325;  
160 (6) an appeal of any reprimand or censure of a  
161 probate judge, pursuant to section 45a-65; (7) any  
162 matter regarding judicial removal or suspension  
163 pursuant to section 51-51j; (8) an appeal of any  
164 decision of the Judicial Review Council pursuant  
165 to section 51-51r; (9) any matter brought to the  
166 Supreme Court pursuant to section 52-265a; (10)

167 writs of error, pursuant to section 52-272; and  
168 (11) any other matter as provided by law.

169 (c) The Supreme Court may transfer to itself  
170 a cause in the Appellate Court. Except for any  
171 matter brought pursuant to its original  
172 jurisdiction under section 2 of article sixteen of  
173 the amendments to the Constitution, the Supreme  
174 Court may transfer a cause or class of causes from  
175 itself, including any cause or class of causes  
176 pending on July 1, 1983, to the Appellate Court.  
177 The court to which a cause is transferred has  
178 jurisdiction.

179 Sec. 6. Section 51-217a of the general  
180 statutes is repealed and the following is  
181 substituted in lieu thereof:

182 (a) A person shall be excused from jury  
183 service during the jury year commencing September  
184 1, [1987] 1999, and each jury year thereafter,  
185 upon request of that person, if during the next  
186 [two] THREE preceding JURY years such person  
187 appeared in a court for jury service and was not  
188 excused from such jury service.

189 (b) The court shall have authority to excuse  
190 a juror from juror service, upon a finding of  
191 extreme hardship.

192 Sec. 7. Section 51-222a of the general  
193 statutes, as amended by section 6 of public act  
194 97-200, is repealed and the following is  
195 substituted in lieu thereof:

196 (a) Annually, upon the request of the Jury  
197 Administrator, the Commissioner of Motor Vehicles  
198 shall supply the Jury Administrator with the  
199 latest updated file of licensed motor vehicle  
200 operators for the state. Upon the request of the  
201 Jury Administrator, the Commissioner of Revenue  
202 Services shall supply the Jury Administrator with  
203 the most recent updated list of residents of this  
204 state who have a permanent place of abode in this  
205 state and [are subject to taxation on personal  
206 income under chapter 229] WHO FILED A RETURN ON  
207 PERSONAL INCOME UNDER CHAPTER 229 IN THE LAST TAX  
208 YEAR, and the Labor Commissioner shall supply the  
209 Jury Administrator with the most recent updated  
210 list of residents of this state who are recipients  
211 of unemployment compensation under chapter 567. In  
212 addition, upon the request of the Jury  
213 Administrator, the registrar of voters of each  
214 town shall supply a list of all electors from

215 their town, except that in lieu of such list from  
216 the registrar of voters, the Jury Administrator  
217 may obtain the list of all electors from a central  
218 repository, or if such list is not available, may  
219 contract for the creation and purchase of such  
220 list. The registrars of voters shall provide lists  
221 of electors to the contractor at the request of  
222 the Jury Administrator. The lists supplied to the  
223 Jury Administrator under this subsection shall be  
224 in the format prescribed by the Jury Administrator  
225 and shall include, at a minimum, the name, address  
226 and, if available, the federal Social Security  
227 number and date of birth of each person on such  
228 list or the reason for the unavailability.

229 (b) The Jury Administrator shall compile a  
230 list of names of electors, residents of this state  
231 appearing on the most recent updated list of  
232 operators of motor vehicles licensed pursuant to  
233 chapter 246, residents [subject to taxation on  
234 personal income under chapter 229] WHO FILED A  
235 RETURN ON PERSONAL INCOME UNDER CHAPTER 229 IN THE  
236 LAST TAX YEAR and recipients of unemployment  
237 compensation under chapter 567.

238 (c) Annually the Jury Administrator shall  
239 combine the names from the lists compiled under  
240 subsection (b) of this section. The Jury  
241 Administrator shall delete, where possible,  
242 duplicate names in order to insure that names  
243 occurring on any list are given only a single  
244 chance to be selected.

245 (d) The Jury Administrator shall select, by  
246 random from the list compiled as provided in  
247 subsection (c) of this section, the number of  
248 names required by section 51-220. These names for  
249 each town in the state and the names of persons  
250 whose jury service was continued from the previous  
251 jury year shall constitute such town's final list  
252 of prospective jurors for service starting the  
253 next succeeding September. The final list for each  
254 town shall contain the name and street address of  
255 each prospective juror.

256 (e) If the Jury Administrator determines at  
257 any time that there is a need to supplement the  
258 number of names on the final list of jurors for  
259 each town within a judicial district, the Jury  
260 Administrator, so far as he is able, shall select  
261 in proportion to the population of each town, by  
262 random, from the names not selected pursuant to

263 subsection (d) of this section such number of  
264 prospective jurors as he determines is necessary.

265 Sec. 8. Subsection (b) of section 51-232 of  
266 the general statutes, as amended by section 9 of  
267 public act 97-200, is repealed and the following  
268 is substituted in lieu thereof:

269 (b) Such summons or notice shall also state  
270 the fact that a juror has a right to one  
271 postponement of his term of juror service for not  
272 more than [one year] TEN MONTHS and may contain  
273 any other information and instructions deemed  
274 appropriate by the Jury Administrator. THE JURY  
275 ADMINISTRATOR MAY GRANT MORE THAN ONE POSTPONEMENT  
276 AND MAY POSTPONE THE TERM OF JUROR SERVICE FOR A  
277 JUROR FOR NOT MORE THAN ONE YEAR. If the date to  
278 which the juror has postponed jury service is  
279 improper, unavailable or inconvenient for the  
280 court, the Jury Administrator shall assign a date  
281 of service which, if possible, is reasonably close  
282 to the postponement date selected by the juror.  
283 Such notice or summons shall be made available to  
284 any party or his attorney in an action to be tried  
285 to a jury.

286 Sec. 9. Subsection (b) of section 52-174 of  
287 the general statutes is repealed and the following  
288 is substituted in lieu thereof:

289 (b) In all actions for the recovery of  
290 damages for personal injuries or death, pending on  
291 October 1, 1977, or brought thereafter, AND IN ALL  
292 COURT PROCEEDINGS IN FAMILY RELATIONS MATTERS, AS  
293 DEFINED IN SECTION 46b-1, PENDING ON OCTOBER 1,  
294 1998, OR BROUGHT THEREAFTER, any party offering in  
295 evidence a signed report and bill for treatment of  
296 any treating physician, dentist, chiropractor,  
297 osteopath, natureopath, physical therapist,  
298 podiatrist, psychologist, emergency medical  
299 technician or optometrist may have the report and  
300 bill admitted into evidence as a business entry  
301 and it shall be presumed that the signature on the  
302 report is that of the treating physician, dentist,  
303 chiropractor, osteopath, natureopath, physical  
304 therapist, podiatrist, psychologist, emergency  
305 medical technician or optometrist and that the  
306 report and bill were made in the ordinary course  
307 of business. The use of any such report or bill in  
308 lieu of the testimony of such treating physician,  
309 dentist, chiropractor, osteopath, natureopath,  
310 physical therapist, podiatrist, psychologist,

311 emergency medical technician or optometrist shall  
312 not give rise to any adverse inference concerning  
313 the testimony or lack of testimony of such  
314 treating physician, dentist, chiropractor,  
315 osteopath, natureopath, physical therapist,  
316 podiatrist, psychologist, emergency medical  
317 technician or optometrist.

318 Sec. 10. Section 54-76c of the general  
319 statutes is repealed and the following is  
320 substituted in lieu thereof:

321 In any case where an information or complaint  
322 has been laid charging a defendant with the  
323 commission of a crime, and where it appears that  
324 the defendant is a youth, upon motion of the  
325 defendant, his counsel, the state's attorney or  
326 the prosecuting attorney, as the case may be, to  
327 the court having jurisdiction that an  
328 investigation be made of such defendant for the  
329 purpose of determining whether he is eligible to  
330 be adjudged a youthful offender, the court shall,  
331 but only as to the public, order [such information  
332 or complaint to be filed as a sealed information  
333 or complaint] THE COURT FILE SEALED. The court on  
334 its own motion may, but only as to the public,  
335 order the [information or complaint] COURT FILE  
336 sealed in the case of a youth charged with crime.

337 Sec. 11. Section 54-76l of the general  
338 statutes is repealed and the following is  
339 substituted in lieu thereof:

340 (a) The records of any youth adjudged a  
341 youthful offender, including fingerprints,  
342 photographs and physical descriptions, shall be  
343 confidential and shall not be open to public  
344 inspection or be disclosed except as provided in  
345 this section, but such fingerprints, photographs  
346 and physical descriptions submitted to the State  
347 Police Bureau of Identification of the Division of  
348 State Police within the Department of Public  
349 Safety at the time of the arrest of a person  
350 subsequently adjudged a youthful offender shall be  
351 retained as confidential matter in the files of  
352 such bureau, and be opened to inspection only as  
353 hereinafter provided. Other data ordinarily  
354 received by such bureau, with regard to persons  
355 arrested for a crime, shall be forwarded to the  
356 bureau to be filed, in addition to the  
357 fingerprints, photographs and physical  
358 descriptions as mentioned above, and be retained



359 in the division as confidential information, open  
360 to inspection only as hereinafter provided.

361 (b) The records of any youth adjudged a  
362 youthful offender, or any part thereof, may be  
363 disclosed to and between individuals and agencies,  
364 and employees of such agencies, providing services  
365 directly to the youth including law enforcement  
366 officials, state and federal prosecutorial  
367 officials, school officials in accordance with  
368 section 10-233h, court officials, the Division of  
369 Criminal Justice, the Office of Adult Probation,  
370 the Office of the Bail Commission, the Board of  
371 Parole and an advocate appointed pursuant to  
372 section 54-221 for a victim of a crime committed  
373 by the youth. Such records shall ALSO be available  
374 to the attorney representing the [child] YOUTH, IN  
375 ANY PROCEEDINGS IN WHICH SUCH RECORDS ARE  
376 RELEVANT, TO his parents or guardian, UNTIL SUCH  
377 TIME AS THE YOUTH REACHES THE AGE OF MAJORITY, AND  
378 TO THE YOUTH UPON HIS ATTAINMENT OF THE AGE OF  
379 MAJORITY, PROVIDED PROOF OF THE IDENTITY OF SUCH  
380 YOUTH IS SUBMITTED IN ACCORDANCE WITH GUIDELINES  
381 PRESCRIBED BY THE CHIEF COURT ADMINISTRATOR. Such  
382 records disclosed pursuant to this subsection  
383 shall not be further disclosed.

384 (c) The records of any youth adjudged a  
385 youthful offender, or any part thereof, may be  
386 disclosed upon order of the court to any person  
387 who has a legitimate interest in the information  
388 and is identified in such order. Records or  
389 information disclosed pursuant to this subsection  
390 shall not be further disclosed.

391 (d) The records of any youth adjudged a  
392 youthful offender, or any part thereof, shall be  
393 available to the victim of the crime committed by  
394 such youth to the same extent as the record of the  
395 case of a defendant in a criminal proceeding in  
396 the regular criminal docket of the Superior Court  
397 is available to a victim of the crime committed by  
398 such defendant. The court shall designate an  
399 official from whom such victim may request such  
400 information. Information disclosed pursuant to  
401 this subsection shall not be further disclosed.

402 (e) Any reports and files held by the Office  
403 of Adult Probation regarding any youth adjudged a  
404 youthful offender may be disclosed to the Office  
405 of the Bail Commission for the purpose of  
406 performing the duties contained in section 54-63b.

407 Sec. 12. Section 54-56g of the general  
408 statutes, as amended by section 14 of public act  
409 97-309 and section 32 of public act 97-8 of the  
410 June 18 special session, is repealed and the  
411 following is substituted in lieu thereof:

412 (a) There shall be a pretrial alcohol  
413 education system for persons charged with a  
414 violation of section 14-227a. Upon application by  
415 any such person for participation in such system  
416 and payment to the court of an application fee of  
417 fifty dollars, the court shall, but only as to the  
418 public, order [such information or complaint to be  
419 filed as a sealed information or complaint] THE  
420 COURT FILE SEALED, provided such person states  
421 under oath, in open court or before any person  
422 designated by the clerk and duly authorized to  
423 administer oaths, under penalties of perjury that  
424 he has never had such system invoked in his behalf  
425 and that he has not been convicted of a violation  
426 of section 53a-56b or 53a-60d, a violation of  
427 subsection (a) of section 14-227a before or after  
428 October 1, 1981, or a violation of subdivision (1)  
429 or (2) of subsection (a) of section 14-227a on or  
430 after October 1, 1985, and that he has not been  
431 convicted in any other state at any time of an  
432 offense the essential elements of which are  
433 substantially the same as section 53a-56b or  
434 53a-60d or subdivision (1) or (2) of subsection  
435 (a) of section 14-227a. Unless good cause is  
436 shown, a person shall be ineligible for  
437 participation in such pretrial alcohol education  
438 system if his alleged violation of section 14-227a  
439 caused the serious physical injury, as defined in  
440 section 53a-3, of another person. The fee imposed  
441 by this subsection shall be credited to the  
442 Criminal Injuries Compensation Fund established by  
443 section 54-215.

444 (b) The court, after consideration of the  
445 recommendation of the state's attorney, assistant  
446 state's attorney or deputy assistant state's  
447 attorney in charge of the case, may, in its  
448 discretion, grant such application. If the court  
449 grants such application, it shall refer such  
450 person to the Bail Commission for assessment and  
451 confirmation of the eligibility of the applicant.  
452 The Bail Commission, in making its assessment and  
453 confirmation, may rely on the representations made  
454 by the applicant under oath in open court with

455 respect to convictions in other states of offenses  
456 specified in subsection (a) of this section. Upon  
457 confirmation of eligibility, the defendant shall  
458 be referred to the Department of Mental Health and  
459 Addiction Services by the Bail Commission for  
460 evaluation and placement in an appropriate alcohol  
461 program for one year. Any person who enters the  
462 system shall agree: (1) To the tolling of the  
463 statute of limitations with respect to such crime,  
464 (2) to a waiver of his right to a speedy trial,  
465 (3) to participate in at least ten counseling  
466 sessions in an alcohol program pursuant to this  
467 section and complete the assigned program, and (4)  
468 to accept placement in a treatment program upon  
469 recommendation of a provider under contract with  
470 the Department of Mental Health and Addiction  
471 Services pursuant to subsection (d) of this  
472 section or placement in a treatment program which  
473 has standards substantially similar to, or higher  
474 than, a program of a provider under contract with  
475 the Department of Mental Health and Addiction  
476 Services if the Bail Commission deems it  
477 appropriate. The suspension of the motor vehicle  
478 operator's license of any such person pursuant to  
479 section 14-227b shall be effective during the  
480 period such person is participating in such  
481 program, provided such person shall have the  
482 option of not commencing the participation in such  
483 program until the period of such suspension is  
484 completed. If the Bail Commission informs the  
485 court that the defendant is ineligible for the  
486 system and the court makes a determination of  
487 ineligibility or if the program provider certifies  
488 to the court that the defendant did not  
489 successfully complete the assigned program or is  
490 no longer amenable to treatment, the court shall  
491 order the [information or complaint] COURT FILE to  
492 be unsealed, enter a plea of not guilty for such  
493 defendant and immediately place the case on the  
494 trial list. If such defendant satisfactorily  
495 completes the assigned program he may apply for  
496 dismissal of the charges against him and the  
497 court, on reviewing the record of his  
498 participation in such program submitted by the  
499 Bail Commission and on finding such satisfactory  
500 completion, shall dismiss the charges. If the  
501 defendant does not apply for dismissal of the  
502 charges against him after satisfactorily

503 completing the assigned program the court, upon  
504 receipt of the record of his participation in such  
505 program submitted by the Bail Commission, may on  
506 its own motion make a finding of such satisfactory  
507 completion and dismiss the charges. Upon motion of  
508 the defendant and a showing of good cause, the  
509 court may extend the one-year placement period for  
510 a reasonable period for the defendant to complete  
511 the assigned program. A record of participation in  
512 such program shall be retained by the Bail  
513 Commission for a period of seven years from the  
514 date of application. The Bail Commission shall  
515 transmit to the Department of Motor Vehicles a  
516 record of participation in such program for each  
517 person who satisfactorily completes such program.  
518 The Department of Motor Vehicles shall maintain  
519 for a period of seven years the record of a  
520 person's participation in such program as part of  
521 such person's driving record.

522 (c) At the time the court grants the  
523 application for participation in the pretrial  
524 alcohol education system, such person shall also  
525 pay to the court a nonrefundable program fee of  
526 four hundred twenty-five dollars, except that no  
527 person may be excluded from such program for  
528 inability to pay such fee, provided (1) such  
529 person files with the court an affidavit of  
530 indigency or inability to pay, (2) such indigency  
531 is confirmed by the Bail Commission, and (3) the  
532 court enters a finding thereof. If the court  
533 denies the application, such person shall not be  
534 required to pay the program fee. If the court  
535 grants the application, and such person is later  
536 determined to be ineligible for participation in  
537 such pretrial alcohol education system or fails to  
538 complete the assigned program, the  
539 four-hundred-twenty-five-dollar program fee shall  
540 not be refunded. All such program fees shall be  
541 credited to the General Fund.

542 (d) The Department of Mental Health and  
543 Addiction Services shall contract with service  
544 providers, develop standards and oversee  
545 appropriate alcohol programs to meet the  
546 requirements of this section. Said department  
547 shall adopt regulations in accordance with chapter  
548 54 to establish standards for such alcohol  
549 programs. Any defendant whose employment or  
550 residence makes it unreasonable to attend an

551 alcohol program in this state may attend a program  
552 in another state which has standards substantially  
553 similar to, or higher than, those of this state,  
554 subject to the approval of the court and payment  
555 of the application and program fees as provided in  
556 this section.

557 Sec. 13. Section 51-219a of the general  
558 statutes, as amended by section 4 of public act  
559 97-200, is repealed and the following is  
560 substituted in lieu thereof:

561 (a) The Jury Administrator, who is appointed  
562 in accordance with section 51-10 and subject to  
563 supervision by the Chief Court Administrator,  
564 shall be responsible for qualifying, summoning,  
565 selecting, managing and utilizing jurors in the  
566 Superior Court.

567 (b) The Jury Administrator, subject to the  
568 approval of the Chief Court Administrator, shall  
569 have the authority to study and to implement  
570 procedures for the improvement of jury  
571 administration, for the reduction of costs of  
572 selection and management of jurors, and for the  
573 more effective utilization of jurors.

574 (c) THE JURY ADMINISTRATOR SHALL HAVE THE  
575 AUTHORITY TO CANCEL THE SERVICE OF ANY JUROR FOR  
576 GOOD CAUSE, INCLUDING, BUT NOT LIMITED TO, THE  
577 FOLLOWING: (1) THE TOWN IN WHICH THE JUROR RESIDES  
578 IS REASSIGNED TO A DIFFERENT JUDICIAL DISTRICT  
579 THAN THAT TO WHICH THE JUROR WAS ORIGINALLY  
580 SUMMONED, OR (2) THERE IS A REDUCTION IN THE NEED  
581 FOR JURORS. WHEN JURY SERVICE IS CANCELED DUE TO A  
582 REDUCTION IN THE NEED FOR JURORS, INDIVIDUALS  
583 SHALL BE SELECTED ON A RANDOM BASIS FOR  
584 CANCELLATION OF JURY SERVICE.

585 Sec. 14. Section 51-344 of the general  
586 statutes, as amended by sections 4 to 6,  
587 inclusive, of public act 95-220 and section 1 of  
588 public act 97-16, is repealed and the following is  
589 substituted in lieu thereof:

590 For purposes of establishing venue, the  
591 Superior Court shall consist of the following  
592 judicial districts:

593 (1) The judicial district of Ansonia-Milford,  
594 consisting of the towns of Ansonia, Beacon Falls,  
595 Derby, Milford, Orange, Oxford, Seymour, Shelton  
596 and West Haven;

597 (2) The judicial district of Danbury,  
598 consisting of the towns of Bethel, Brookfield,

599 Danbury, New Fairfield, Newtown, Redding,  
600 Ridgefield and Sherman;

601 (3) The judicial district of Fairfield,  
602 consisting of the towns of Bridgeport, Easton,  
603 Fairfield, Monroe, Stratford and Trumbull;

604 (4) The judicial district of Hartford,  
605 consisting of the towns of Avon, Bloomfield,  
606 Canton, East Granby, East Hartford, East Windsor,  
607 Enfield, Farmington, Glastonbury, Granby,  
608 Hartford, Manchester, Marlborough, [Newington,  
609 Rocky Hill,] Simsbury, South Windsor, Suffield,  
610 West Hartford, [Wethersfield,] Windsor [,] and  
611 Windsor Locks;

612 (5) The judicial district of Litchfield,  
613 consisting of the towns of Barkhamsted, Bethlehem,  
614 Bridgewater, Canaan, Colebrook, Cornwall, Goshen,  
615 Hartland, Harwinton, Kent, Litchfield, Morris, New  
616 Hartford, New Milford, Norfolk, North Canaan,  
617 Roxbury, Salisbury, Sharon, Thomaston, Torrington,  
618 Warren, Washington and Winchester;

619 (6) The judicial district of Middlesex,  
620 consisting of the towns of Chester, Clinton,  
621 Cromwell, Deep River, Durham, East Haddam, East  
622 Hampton, Essex, Haddam, Killingworth, Middlefield,  
623 Middletown, Old Saybrook, Portland and Westbrook;

624 (7) The judicial district of New Britain,  
625 consisting of the towns of Berlin, Bristol,  
626 Burlington, New Britain, NEWINGTON, Plainville,  
627 Plymouth, [and] ROCKY HILL, Southington AND  
628 WETHERSFIELD;

629 (8) The judicial district of New Haven,  
630 consisting of the towns of Bethany, Branford,  
631 Cheshire, East Haven, Guilford, Hamden, Madison,  
632 Meriden, New Haven, North Branford, North Haven,  
633 Wallingford and Woodbridge;

634 (9) The judicial district of New London,  
635 consisting of the towns of Bozrah, Colchester,  
636 East Lyme, Franklin, Griswold, Groton, Lebanon,  
637 Ledyard, Lisbon, Lyme, Montville, New London,  
638 North Stonington, Norwich, Old Lyme, Preston,  
639 Salem, Sprague, Stonington, Voluntown and  
640 Waterford;

641 (10) The judicial district of  
642 Stamford-Norwalk, consisting of the towns of  
643 Darien, Greenwich, New Canaan, Norwalk, Stamford,  
644 Weston, Westport and Wilton;

645 (11) The judicial district of Tolland,  
646 consisting of the towns of Andover, Bolton,

647 Columbia, Coventry, Ellington, Hebron, Mansfield,  
648 Somers, Stafford, Tolland, Union, Vernon and  
649 Willington;

650 (12) The judicial district of Waterbury,  
651 consisting of the towns of Middlebury, Naugatuck,  
652 Prospect, Southbury, Waterbury, Watertown, Wolcott  
653 and Woodbury; and

654 (13) The judicial district of Windham,  
655 consisting of the towns of Ashford, Brooklyn,  
656 Canterbury, Chaplin, Eastford, Hampton, Killingly,  
657 Plainfield, Pomfret, Putnam, Scotland, Sterling,  
658 Thompson, Windham and Woodstock.

659 Sec. 15. Section 51-345 of the general  
660 statutes, as amended by section 10 of public act  
661 97-40, is repealed and the following is  
662 substituted in lieu thereof:

663 (a) Except as provided in section 51-348 and  
664 subsections (b) to (g), inclusive, of this  
665 section, all civil process shall be made  
666 returnable to a judicial district, as follows:

667 (1) If all the parties reside outside this  
668 state, to the judicial district where (A) the  
669 injury occurred, (B) the transaction occurred, or  
670 (C) the property is located or lawfully attached.

671 (2) If the defendant is not a resident, to  
672 the judicial district where the attached property  
673 is located.

674 (3) If either or both the plaintiff or  
675 defendant are residents of this state, to the  
676 judicial district where either the plaintiff or  
677 defendant resides, except:

678 (A) If either the plaintiff or the defendant  
679 resides in the town of Manchester, East Windsor,  
680 South Windsor or Enfield, the action may be made  
681 returnable at the option of the plaintiff to  
682 either the judicial district of Hartford or the  
683 judicial district of Tolland.

684 (B) If either the plaintiff or the defendant  
685 resides in the town of Plymouth, the action may be  
686 made returnable at the option of the plaintiff to  
687 either the judicial district of New Britain or the  
688 judicial district of Waterbury.

689 (C) If either the plaintiff or the defendant  
690 resides in the town of Bethany, Milford, West  
691 Haven or Woodbridge, the action may be made  
692 returnable at the option of the plaintiff to  
693 either the judicial district of New Haven or the  
694 judicial district of Ansonia-Milford.

695 (D) If either the plaintiff or the defendant  
696 resides in the town of Southbury, the action may  
697 be made returnable at the option of the plaintiff  
698 to either the judicial district of Ansonia-Milford  
699 or the judicial district of Waterbury.

700 (E) If either the plaintiff or defendant  
701 resides in the town of Darien, Greenwich, New  
702 Canaan, Norwalk, Stamford, Weston, Westport or  
703 Wilton, the action may be made returnable at the  
704 option of the plaintiff to either the judicial  
705 district of Stamford-Norwalk or the judicial  
706 district of Fairfield.

707 (F) If either the plaintiff or defendant  
708 resides in the town of Watertown or Woodbury, the  
709 action may be made returnable at the option of the  
710 plaintiff to either the judicial district of  
711 Waterbury or the judicial district of Litchfield.

712 (G) If either the plaintiff or defendant  
713 resides in the town of Avon, Canton, Farmington or  
714 Simsbury, the action may be made returnable at the  
715 option of the plaintiff to either the judicial  
716 district of Hartford or the judicial district of  
717 New Britain.

718 (H) If either the plaintiff or defendant  
719 resides in the town of Newington, ROCKY HILL OR  
720 WETHERSFIELD, the action may be made returnable at  
721 the option of the plaintiff to either the judicial  
722 district of Hartford or the judicial district of  
723 New Britain, except for actions where venue is in  
724 the geographical area as provided in section  
725 51-348 or in rules of court.

726 (I) If either the plaintiff or defendant  
727 resides in the town of Cromwell, the action may be  
728 made returnable at the option of the plaintiff to  
729 either the judicial district of Hartford or the  
730 judicial district of Middlesex.

731 (b) In all actions involving the title to  
732 land, for trespass to land and to foreclose or  
733 redeem mortgages or liens upon real property,  
734 civil process shall be made returnable to the  
735 judicial district where the real property is  
736 located, either entirely or in part, except:

737 (1) If the land is located in the town of  
738 Manchester, East Windsor, South Windsor or Enfield  
739 and either the plaintiff or the defendant resides  
740 in the town of Manchester, East Windsor, South  
741 Windsor or Enfield, the action may be made  
742 returnable at the option of the plaintiff to



743 either the judicial district of Hartford or the  
744 judicial district of Tolland.

745 (2) If the land is located in the town of  
746 Plymouth and either the plaintiff or the defendant  
747 resides in the town of Plymouth, the action may be  
748 made returnable at the option of the plaintiff to  
749 either the judicial district of New Britain or the  
750 judicial district of Waterbury.

751 (3) If the land is located in the town of  
752 Bethany, Milford, West Haven or Woodbridge and  
753 either the plaintiff or the defendant resides in  
754 the town of Bethany, Milford, West Haven or  
755 Woodbridge, the action may be made returnable at  
756 the option of the plaintiff to either the judicial  
757 district of New Haven or the judicial district of  
758 Ansonia-Milford.

759 (4) If the land is located in the town of  
760 Southbury and either the plaintiff or the  
761 defendant resides in the town of Southbury, the  
762 action may be made returnable at the option of the  
763 plaintiff to either the judicial district of  
764 Ansonia-Milford or the judicial district of  
765 Waterbury.

766 (5) If the land is located in the town of  
767 Weston, Westport or Wilton and either the  
768 plaintiff or the defendant resides in any one of  
769 these towns, the action may be made returnable at  
770 the option of the plaintiff to either the judicial  
771 district of Stamford-Norwalk or the judicial  
772 district of Fairfield.

773 (6) If the land is located in the town of  
774 Watertown or Woodbury and either the plaintiff or  
775 the defendant resides in the town of Watertown or  
776 Woodbury, the action may be made returnable at the  
777 option of the plaintiff to either the judicial  
778 district of Waterbury or the judicial district of  
779 Litchfield.

780 (7) If the land is located in the town of  
781 Avon, Canton, Farmington or Simsbury and either  
782 the plaintiff or the defendant resides in the town  
783 of Avon, Canton, Farmington or Simsbury, the  
784 action may be made returnable at the option of the  
785 plaintiff to either the judicial district of  
786 Hartford or the judicial district of New Britain.

787 (8) If the land is located in the town of  
788 Newington, ROCKY HILL OR WETHERSFIELD and either  
789 the plaintiff or the defendant resides in the town  
790 of Newington, ROCKY HILL OR WETHERSFIELD, the

791 action may be made returnable at the option of the  
792 plaintiff to either the judicial district of  
793 Hartford or the judicial district of New Britain,  
794 except for actions where venue is in the  
795 geographical area as provided in section 51-348 or  
796 in rules of court.

797 (c) In all actions by a corporation, except  
798 actions made returnable under subsection (b), (d)  
799 or (g) of this section, civil process shall be  
800 made returnable as follows:

801 (1) If the plaintiff is either a domestic  
802 corporation or a United States corporation and the  
803 defendant is a resident, either (A) to the  
804 judicial district where the plaintiff has an  
805 office or place of business or (B) to the judicial  
806 district where the defendant resides.

807 (2) If the plaintiff is either a domestic  
808 corporation or a United States corporation and the  
809 defendant is a corporation, domestic or foreign,  
810 to the judicial district where (A) the plaintiff  
811 has an office or place of business, (B) the injury  
812 occurred, (C) the transaction occurred, or (D) the  
813 property is located or lawfully attached.

814 (3) If the plaintiff is a foreign corporation  
815 and the defendant is a resident, to the judicial  
816 district where the defendant resides.

817 (4) If the plaintiff is a foreign corporation  
818 and the defendant is a corporation, domestic or  
819 foreign, to the judicial district where (A) the  
820 injury occurred, (B) the transaction occurred, or  
821 (C) the property is located or lawfully attached.

822 (d) In all actions involving consumer  
823 transactions, civil process shall be made  
824 returnable to the judicial district where the  
825 consumer resides or where the transaction  
826 occurred. For the purposes of this subsection,  
827 consumer transaction means a transaction in which  
828 a natural person obligates himself to pay for  
829 goods sold or leased, services rendered or moneys  
830 loaned for personal, family or household purposes.

831 (e) In all actions for the partition or sale  
832 of any property, civil process shall be made  
833 returnable to the judicial district where the  
834 parties, or one of them, reside; but, if none of  
835 them resides in this state, then to the judicial  
836 district where all or a part of the property is  
837 located.

838 (f) In all actions by a nonresident executor,  
839 trustee under a will or administrator, civil  
840 process shall be made returnable to the same  
841 judicial district as would be proper if the  
842 plaintiff resided in the town where the court of  
843 probate which granted administration is held.

844 (g) In small claims matters, civil process  
845 shall be made returnable to a Superior Court  
846 facility designated by the Chief Court  
847 Administrator to serve the small claims area  
848 within the boundaries of the judicial district  
849 where the plaintiff resides, where the defendant  
850 resides or is doing business or where the  
851 transaction or injury occurred.

852 Sec. 16. This act shall take effect from its  
853 passage, except that sections 14 and 15 shall take  
854 effect September 1, 1998, and sections 1 to 12,  
855 inclusive, shall take effect October 1, 1998.

856 JUD COMMITTEE VOTE: YEA 31 NAY 0 JFS

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5321**

STATE IMPACT                      None, see explanation below

MUNICIPAL IMPACT                None

STATE AGENCY(S)                Judicial Department

**EXPLANATION OF ESTIMATES:**

The bill increases efficiency in the processing of cases and workload within the Judicial Department and does not result in a cost to the state.

\* \* \* \* \*

**OLR BILL ANALYSIS**

sHB 5321

**AN ACT CONCERNING COURT OPERATIONS AND PROCEDURES**

**SUMMARY:** This bill makes a number of changes to Superior Court procedures and operations. It (1) gives judicial employees access to all Judicial Department records necessary to perform their duties; (2) makes several jury-related changes including allowing people to be excused if they have served once during the past three years instead of two, allowing people an extra postponement of their jury service, and allowing the jury administrator to cancel juror service in certain circumstances; (3) seals all records, not just the charging documents, in youthful offender and pretrial alcohol education cases; and (4) expands the cases going directly to the Supreme Court on appeal to include class A felonies and those with terms of imprisonment of over 20 years.

The bill also moves Newington, Rocky Hill, and Wethersfield from the Hartford Judicial District (JD) to the New Britain JD, which will become operational on September 1, 1998; makes the service of civil process in a defective highway case the same as service in other civil cases; requires automatic dismissal of motor vehicle infractions and violations seven years after they are referred to the commissioner of motor vehicles for revocation of the offender's drivers license and registration; and allows a court reporter to file proceedings with the court clerk's designee as well as the clerk.

EFFECTIVE DATE: October 1, 1998, except the provisions concerning the New Britain JD take effect September 1, 1998 and the provision allowing the jury administrator to cancel jury service takes effect upon passage.

#### **FURTHER EXPLANATION**

##### **Record Access**

The bill gives all Judicial Department employees, when performing their duties, access to all department records. But this access does not include the employees or the records of the probate court or the Public Defender Services Commission.

##### **Jury Service**

Under the bill, beginning September 1, 1999, people called for jury duty must be excused, upon their request, if they have been called and not excused from jury service during the preceding three years; currently, the time frame is two years.

By law the jury administrator creates a jury pool list from voter, licensed driver, unemployment compensation recipient, and state personal income taxpayer lists. The Department of Revenue Services commissioner must supply the last list. The bill specifies that the commissioner list people who filed income tax returns for the last tax year rather than everyone who must pay state income taxes.

Current law allows someone called for jury duty to postpone service once for up to one year. The bill reduces the length of this postponement to 10 months

but allows the jury administrator to grant additional postponements as long as the total postponement does not exceed one year.

The bill allows the jury administrator to cancel jury service for any juror for good cause, including situations where (1) the called juror's town of residence is switched to a different JD than the one to which he was originally called and (2) there is a reduced need for jurors. If jury service is canceled for the latter reason, the jury administrator must select people for cancellation on a random basis.

### **Supreme Court Jurisdiction**

Certain cases, such as death penalty cases, are appealed directly to the Supreme Court, bypassing the Appellate Court. This bill includes in these cases appeals of convictions for class A felonies or other felonies, including persistent offender status, with a possible maximum sentence of more than 20 years. (Persistent offenders are those whose repeat offense histories make them subject to increased penalties.)

### **Sealed Records**

By law, when a youth (someone age 16 or 17) is granted youthful offender (YO) status or a person charged with DWI is admitted to the pretrial alcohol education program the information or complaint (charging documents) is sealed and no longer public. If the person successfully completes his program and does not offend again, the information is never made public. In these situations the bill seals the whole court record, not just the information or complaint.

YO records are available to criminal justice and treatment personnel, the youth's attorney, and his parent's or guardian. The bill allows a youth access to his records once he turns 18, and takes it away from his parents or guardian when he reaches this age. It also gives access to an attorney representing the child in any proceeding where the records are relevant. The bill requires a youth seeking access to provide proof of his identity in accordance with guidelines established by the chief court administrator.

### **New Britain Judicial District**

Pursuant to legislation initially passed in 1988, the Judicial District of Hartford-New Britain is to be divided into two JDs: the Hartford JD and the New Britain JD. This change is scheduled to take effect September 1, 1998. The bill moves the towns of Newington, Rocky Hill, and Wethersfield from the Hartford JD to the New Britain JD.

It also makes related changes to allow people living in Rocky Hill or Wethersfield to file civil lawsuits in either the Hartford or New Britain JD. It extends this right to people who own land in these towns if the lawsuit involves land issues. Residents or landowners in Newington already have that option.

### **Defective Highway Notice**

By law, when a town fails to keep a highway in proper repair or free of encroachments, six or more citizens can institute a proceeding in Superior Court by filing a written complaint. The court must make an inquiry, set a time and place for a hearing, and give notice to the selectmen or person maintaining the encroachment. The bill eliminates the court's duty to provide notice and instead requires the court clerk to provide notice documents to the complainants or their attorney for service on the appropriate parties by a person authorized to serve civil process.

### **Infraction and Violation Dismissal**

The law requires the court to notify the Department of Motor Vehicles if a person charged with a motor vehicle infraction or violation, other than DWI or certain other serious offenses, fails to appear in court or pay the fine. The commissioner must then revoke the person's motor vehicle registration and operator's license until he appears to answer the charge. The bill states that these infractions and violations are automatically dismissed if they are not disposed of within seven years after the notice is sent.

### **Other Changes**

The bill allows signed reports and bills of health care providers to be submitted as business entry evidence without calling the professional to testify in dissolutions of marriage, annulments, custody or

support proceedings, and similar family relations proceedings. Such evidence is used to establish that the party was treated by the professional, and it is already allowed in suits concerning personal injury or death.

Finally, the bill allows a court reporter to file a trial transcript with a designee of the court clerk rather than having to file it directly with the clerk.

## **BACKGROUND**

### **Youthful Offender Status**

Youthful offender status allows the court to erase the criminal records of first-time youthful offenders (16- and 17-year-olds) who successfully complete a court-imposed sentence, such as probation or community service. A youth is ineligible if he committed a class A felony or first degree aggravated assault or was previously convicted of a felony.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 31      Nay 0